

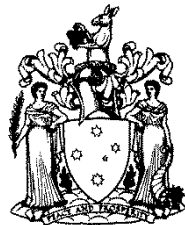
**Corrections Amendment (Smoke-Free Prisons) Act
2014**

No. 45 of 2014

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Victoria

Corrections Amendment (Smoke-Free Prisons) Act 2014[†]

No. 45 of 2014

[Assented to 1 July 2014]

The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to amend—

- (a) the **Corrections Act 1986** to provide for the prohibition and regulation of smoking and the entry, use and possession of tobacco products and tobacco smoking accessories in prisons; and

- (b) the **Tobacco Act 1987** to remove the exception relating to prison cells and exercise yards from the offence of smoking in an enclosed workplace.

2 Commencement

- (1) This Act, except sections 4, 6 and 7, comes into operation on the day after the day on which it receives the Royal Assent.
- (2) Sections 4, 6 and 7 come into operation on 1 July 2015.

3 Definitions

See:
Act No.
117/1986.
Reprint No. 10
as at
20 November
2013
and
amending
Act Nos
46/2013,
67/2013,
72/2013 and
76/2013.
LawToday:
www.
legislation.
vic.gov.au

In section 3(1) of the **Corrections Act 1986**,
insert the following definitions—

"smoke means the drawing or releasing of smoke or fumes resulting from heating or burning an ignited tobacco product, and includes but is not limited to, holding or controlling an ignited tobacco product;

tobacco smoking accessory means any smoking implement and includes but is not limited to, cigarette papers, pipes, cigarette holders, hookahs, water pipes, cigarette lighters, matches or other similar methods of ignition of a tobacco product;

tobacco product means tobacco, cigarette or cigar or any other product the main ingredient of which is tobacco and which is designed for human consumption;".

4 Seizure

- (1) After section 46(1)(a) of the **Corrections Act 1986 insert**—

"(ab) any tobacco product or tobacco smoking accessory found on a person or in a person's possession, other than a tobacco product or a

tobacco smoking accessory which a person is authorised to possess under the regulations or a direction of the Governor;".

(2) After section 46(1)(b) of the **Corrections Act 1986** insert—

"(ba) any tobacco product or tobacco smoking accessory found on a prisoner or in a prisoner's possession, other than a tobacco product or a smoking accessory which a prisoner is authorised to possess under the regulations or a direction of the Governor;".

5 Regulations

After section 112(1)(aa) of the **Corrections Act 1986** insert—

- "(ab) the prohibition and regulation of smoking in a prison or in any part of a prison;
- (ac) the prohibition and regulation of entry, use and possession of tobacco products and tobacco smoking accessories in a prison or in any part of a prison;".

6 Definitions

In section 3 of the **Tobacco Act 1987** the definition of *exercise yard* is **repealed**.

See:
Act No.
81/1987.
Reprint No. 8
as at
1 March 2013
and
amending
Act No.
66/2013.
LawToday:
www.
legislation.
vic.gov.au

7 Enclosed workplaces: offence by smoker

Section 5A(2)(i) of the **Tobacco Act 1987** is **repealed**.

8 Repeal of amending Act

This Act is **repealed** on 1 July 2016.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

ENDNOTES

[†] *Minister's second reading speech—*

Legislative Assembly: 7 May 2014

Legislative Council: 26 June 2014

The long title for the Bill for this Act was "A Bill for an Act to amend the **Corrections Act 1986** to provide for the prohibition and regulation of smoking and the entry, use and possession of tobacco products and tobacco smoking accessories in Victorian prisons, to consequentially amend the **Tobacco Act 1987** and for other purposes."